

REMARKS

This application has been carefully reviewed in light of the Office Action dated May 5, 2008. Claims 1 to 21 are in the application, of which Claims 1, 7 and 13 are independent. Reconsideration and further examination are respectfully requested.

Claims 1 to 6 and 19 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Without conceding the correctness of this rejection, Claim 1 has been amended so as to define the functional interrelationship of the claimed XML-based tag with a computer, pursuant to the guidelines at MPEP § 2106.01. Withdrawal of the rejection is respectfully requested.

Claims 1, 2, 4 to 8, 10 to 14 and 16 to 21 were rejected under 35 U.S.C. § 103(a) over a working draft of a specification entitled "Synchronized Multimedia Integration Language" authored by Steven Bugaj, et al (hereinafter "Bugaj") in view of U.S. Patent Application Publication 2005/0097622 (Zigmond). In addition, Claims 3, 9 and 15 were rejected further in view of U.S. Patent 5,586,239 (Ueda). The rejections are respectfully traversed. Briefly, the applied art is not seen to disclose or to suggest the superimposition of a visual cue's display over an associated visual element of a multimedia presentation, with a visual appearance that is based on a defined visual representation, during a period of time that is based on defined temporal characteristics, and at a location over the associated visual element that is based on defined spatial characteristics. This is explained in greater detail below.

The invention relates generally to use of a mark-up language to define a visual cue that is associated to a visual element of an XML-based multimedia presentation. The claimed XML-based tag includes at least three element attributes: a first element attribute that defines a visual representation of the visual cue, a second element attribute that defines spatial characteristics of the visual cue, and a third element attribute that defines temporal characteristics of the visual cue.

In one representative embodiment of the invention, element attributes might include a "shape" element attribute such as right-arrow or left-arrow, a "bounding-rect" element attribute which defines coordinates of the bounding rectangle for the spatial marker, and a "begin" element attribute that defines the time for beginning display of the element. See specification, page 11. Through the use of these attributes, a visual cue may be displayed in superposition over the associated visual element in a multimedia presentation, such as shown in Figures 6A through 6C. There, in connection with the display of a multimedia presentation, a marker SM1 is superimposed over the display of image ID1, which is an associated visual element in the multimedia presentation. As shown in Figure 6B, the marker is a left-arrow 202 (whose red color is not depicted) in accordance with the first element attribute that defines the visual representation of the visual cue, its position is within bounding rectangle 204 in accordance with the second element attribute that defines spatial characteristics of the visual cue, and the timing of its display is based on the third element attribute that defines temporal characteristics of the visual cue. See page 14, lines 20 through 32.

It is thus a feature of the claimed invention that the visual cue's display is superimposed over the associated visual element with a visual appearance that is based on the defined visual representation, during a period of time based on the defined temporal characteristics, and at a location over the associated visual element based on the defined spatial characteristics.

In entering the rejection over Bugaj in view of Zigmond, the USPTO conceded that Bugaj does not disclose the display of a visual cue in superimposition over an associated video element based on a defined visual representation, temporal characteristic, and display characteristic of the visual cue. Zigmond was relied on for this feature, but as understood by Applicants herein, Zigmond does not disclose or suggest such a feature.

Rather, as understood by Applicants, Zigmond shows nothing more than simple superposition of a visual cue. More precisely, although Zigmond might disclose the superposition of a visual cue, the superposition is not apparently based on a defined visual representation, it is not apparently based on a defined temporal characteristic, and it is not apparently based on a spatial characteristic.

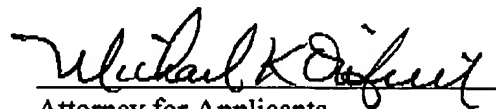
In contrast, according to the invention claimed herein, an XML-based tag for a visual cue includes an element attribute that defines a visual representation of the visual cue, an element attribute that defines a spatial characteristic of the visual cue, and an element attribute that defines temporal characteristics of the visual cue. The visual cue's display is superimposed over the associated visual element in the multimedia display with a visual appearance based on the defined visual representation of the visual cue, during a

period of time based on the defined temporal characteristics of the visual cue, and at a location over the associated visual element based on the defined spatial characteristics of the visual cue.

The applied art is not seen to disclose or to suggest an XML-based tag that includes element attributes defining visual representation, spatial characteristics and temporal characteristics of a visual cue, and is further not seen to disclose or to suggest the use of these element attributes so as to superimpose the display of the visual cue over the associated visual element, with a visual appearance based on the defined visual representation, during a period of time based on the defined temporal characteristics, and at a location over the associated visual element based on the defined spatial characteristics. It is therefore respectfully submitted that the claims herein define subject matter that would not have been obvious over any permissible combination of the applied art.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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